



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

September 18, 2014

Certified Mail
7012 3460 0003 1113 0598

West Patton Village Community Services District
P.O. Box 960
Herlong, CA 96113

Attention: Board of Directors

Subject: Public Water System No. #1805009 - Citation 01-02-14(C)-005

Enclosed is a citation for failure to hire a certified/qualified distribution operator and implement a cross connection control program. The citation specifies action to be taken by West Patton Village Community Services District to achieve compliance and avoid future civil penalties. Please be aware that the citation includes the assessment of a civil penalty in the amount of **\$500.00**.

Section 116577 of the California Safe Drinking Water Act provides for our Division to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, your water system will be billed for the preparation and issuance of this citation. Our costs are approximately \$128 per hour. We have spent two (2) hours on enforcement activities associated with this violation. You will receive a bill for these costs in approximately August 2015, following the end of the State's fiscal year, from our Fee Billing Unit in Sacramento.

Should you have any questions, please contact me at (530) 224-4800 or Sandra Tenney at (530) 224-4876.

Michael J. McNamara, P.E.
Lassen District Engineer
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosure

cc: West Patton Village CSD Manager Vivian Peterson, w/ enclosure
Lassen County Environmental Health Department Director Alan Jones, w/o enclosure

srt: Lassen \ West Patton Village CSD \ Enforcement \ 01-02-14(C)-005 File: Main

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

1 No. 3 and No. 7 of the District's domestic water supply Permit No. 01-02-07-PER-004,
2 which was issued by the Division on December 14, 2007; and for violation of both
3 directives of the District's Compliance Order No. 01-02-13R-002-1805009-12, which
4 was issued by the Division on August 30, 2013.

5
6 **STATEMENT OF FACTS**

7 West Patton Village Community Services District (hereinafter, District) is currently
8 operating its water system under a domestic water supply permit (Permit
9 No. 01-02-07-PER-004) issued by the Division of Drinking Water (hereinafter,
10 Division) on December 14, 2007.

11
12 The District is a community water system, as defined in SDWA, Section 116275,
13 Subsection (i). The District serves an estimated year-round population of 465 through
14 155 active service connections. The distribution system contains one pressure zone.
15 Water supply and storage capacity are supplied to the District by Herlong Public
16 Utility District, public water system No. 1805007.

17
18 As more fully set forth below, the Department is informed and believes that the
19 District is in violation of portions of Section 116555 of the SDWA; Section 7584,
20 Title 17, of the CCR; Section 63770, Title 22, of the CCR; certain conditions of its
21 December 14, 2007, Permit No. 01-02-07-PER-004; and both directives of its
22 August 30, 2013, Compliance Order No. 01-02-13R-002-1805009-12.

23
24 **Distribution System Operator**

25 To assure compliance with Sections 116555(a)(4), 116555(a)(5), 116555(b)(1), and
26 116555(b)(2), of the SDWA and Section 63770, Title 22, of the CCR, permit condition
27 No. 7 of the District's December 14, 2007, Permit No. 01-02-07-PER-004, required
28 the District to be under the operational control of, at the minimum, a D-1 certified
29 distribution operator by June 1, 2008. The Division's March 27, 2012, inspection letter
30 to the District again directed the District to be under the operational control of a D-1
31 certified distribution operator, and send a copy of its certified distribution operator's

1 certification to the Division by April 30, 2012. Directive No. 1 of the District's
2 August 30, 2013, Compliance Order No. 01-02-13R-002-1805009-12, once again
3 directed the District that it is required to be under the operational control of a D-1
4 certified distribution operator, and send a copy of its certified distribution operator's
5 certification to the Division by February 1, 2014. As of the date of this Citation, the
6 District has not submitted evidence that it is under the operational control of a D-1
7 certified distribution operator.

8 9 **Cross-Connection Control Program**

10 To assure compliance with Section 116555(a)(2) of the SDWA and Section 7584,
11 Title 17, of the CCR, the District's permit condition No. 3 of the District's
12 December 14, 2007, Permit No. 01-02-07-PER-004, required the District to maintain a
13 cross connection control program. A cross-connection control program is required to
14 include at least six elements that are described in the Appendix of this Order, under
15 "Section 7584, Responsibility and Scope of Program, Title 17..." The Division's March
16 27, 2012, inspection letter to the District directed the District to submit a copy of its
17 cross connection control ordinance, one of the required elements, to the Division by
18 June 30, 2012. Directive No. 2 of the District's August 30, 2013, Compliance Order
19 No. 01-02-13R-002-1805009-12, again directed the District to submit a copy of its
20 cross connection control program to the Division by February 1, 2014. As of the date
21 of this Citation, the District has not submitted evidence that it has completed any of
22 the six required elements of a water supplier's cross-connection control program,
23 contained in Section 7584, Title 17, of the CCR, for the protection of the domestic
24 water system against backflow.

25 26 **DETERMINATIONS**

27 Based upon the above-described Findings of Fact, the Division determines that the
28 District has violated the following:

- 29
30 1. The District is in violation of Sections 116555(a)(4), 116555(a)(5),
31 116555(b)(1), and 116555(b)(2), of the SDWA; Section 63770, Title 22, of the

1 CCR; the District's permit condition No. 7; and Directive 1 of the Division's
2 August 30, 2013, compliance order to the District, in that the District has not
3 demonstrated that it is under the operational control of, at the minimum, a D-1
4 certified distribution operator.

- 5
- 6 2. The District is in violation of Section 116555(a)(2) of the SDWA; Section 7584,
7 Title 17, of the CCR; the District's permit condition No. 3; and Directive 2 of the
8 Division's August 30, 2013, compliance order to the District, in that the District
9 has not demonstrated that it has implemented any of the six required elements
10 of a cross connection control program contained in Section 7584, Title 17, of
11 the CCR, for the protection of the domestic water system against backflow.

12

13 **DIRECTIVES**

14 Pursuant to Section 116655 of the SDWA, the Division and its Director hereby directs
15 the District to:

- 16
- 17 1. The District shall obtain the services of, at the minimum, a D-1 certified operator-
18 of-record, and send a copy of the District's contract with the operator to the
19 Division, by **November 1, 2014**.
- 20
- 21 2. The District shall submit a copy of its cross connection control ordinance, adopted
22 by the District's Board of Directors, to the Division by **November 1, 2014**.
- 23
- 24 3. The District shall designate a person trained in cross-connection control to carry
25 out its cross-connection program. A copy of the designated person's cross-
26 connection control certification shall be sent to the Division by **November 1, 2014**.
- 27
- 28 4. The District shall conduct an initial cross connection control survey. The survey
29 shall be conducted by the District's designated person trained in cross-connection
30 control to carry out the cross-connection program. The District shall submit a copy
31 of its initial cross connection control survey to the Division by **December 1, 2014**.
- 32

1 The Division reserves the right to make such modifications to this Citation as it may
2 deem necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Citation, and shall be deemed effective upon issuance.

4
5 Nothing in this Citation relieves the District of its obligation to meet the requirements
6 of the SDWA, or of any regulation, permit, standard, or order issued or adopted
7 thereunder.

8
9 All submittals required by this Citation, with the exception of the penalty described
10 below, shall be submitted to the Division at the following address:

11 Michael J. McNamara, P.E., Lassen District Engineer
12 State Water Resources Control Board
13 Division of Drinking Water
14 364 Knollcrest Drive, Suite 101
15 Redding, CA 96002
16

17 **PENALTIES**

18 Sections 116650(d) and 116650(e) of the SDWA allow for the assessment of a civil
19 penalty for failure to comply with requirements of Chapter 4. This is the fourth formal
20 request and second enforcement action directing the District to come into compliance
21 with portions of Section 116555 of the SDWA, Section 7584, Title 17, of the CCR, and
22 Section 63770, Title 22, of the CCR. The Division hereby assesses the Company a
23 civil penalty in the amount of **\$500.00**.

24
25 The penalty payment shall be submitted in the form of a check made payable to the
26 **State Water Resources Control Board**. The Citation number shall be written on the
27 check. The check for the penalty of **\$500.00**, and a copy of the form which is attached
28 hereto entitled "Notice of Citation Issuance", shall be submitted to the following
29 address by **November 1, 2014**:

30 State Water Resources Control Board Accounting Office
31 Attention: Drinking Water Program
32 P.O. Box 1888
33 Sacramento, CA 95812-1888
34

1 **PARTIES BOUND**

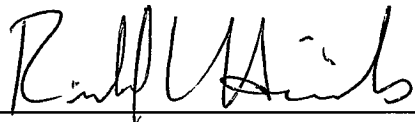
2 This Citation shall apply to and be binding upon the District, its officers, directors,
3 shareholders, agents, employees, contractors, successors, and assignees.
4

5 **SEVERABILITY**

6 The Directives of this Citation are severable, and the District shall comply with each
7 and every provision thereof, notwithstanding the effectiveness of any other provision.
8

9 **FURTHER ENFORCEMENT ACTION**

10 The SDWA authorizes the Division to issue additional citations with assessment of
11 administrative penalties to a public water system for violation or continued violation of
12 the requirements of the SDWA or any permit, regulation, permit or order issued or
13 adopted thereunder including, but not limited to, failure to correct a violation identified
14 in a citation or compliance order. The SDWA also authorizes the Division to take
15 action to suspend or revoke a permit that has been issued to a public water system if
16 the system has violated applicable law or regulations or has failed to comply with an
17 order of the Division; and to petition the superior court to take various enforcement
18 measures against a public water system that has failed to comply with an order of the
19 Division. The Division does not waive any further enforcement action by issuance of
20 this citation.
21

22 
23

24 Richard L. Hinrichs, P.E., Chief
25 Northern California Section
26 State Water Resources Control Board
27 Division of Drinking Water
28

9/18/2014

Date

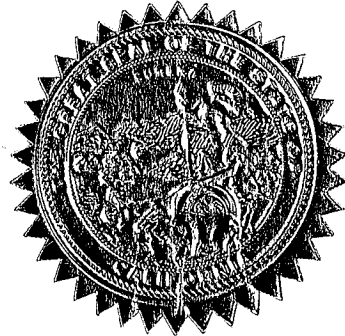
29 **Appendix:**

30 **Applicable Statutes and Regulations**
31

32 **Attachments:**

33 **Notice of Citation Issuance**
34

35 Certified Mail 7012 3460 0003 1113 0598
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APPENDIX

APPLICABLE STATUTES AND REGULATIONS FOR
CITATION NO. 01-02-14C-005-1805009-12

Section 116555, Operational Requirements, of the SDWA states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(2) Will not be subject to backflow under normal operating conditions.

(4) Employs or utilizes only water treatment operators or water treatment operators-in-training that have been certified by the department at the appropriate grade.

(5) Complies with the operator certification program established pursuant to Chapter 4 (commencing with Section 106875).

(b) Any person who owns a community water shall do all of the following:

(1) Employ or utilize only water distribution system operators who have been certified by the department at the appropriate grade for positions in responsible charge of the distribution system.

(2) Place the direct supervision of the water system, including water treatment plants, water distribution systems, or both under the responsible charge of an operator or operators holding a valid certification equal to or greater than the classification of the distribution system.

Section 116650, Citations, of the SDWA states in relevant part:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The



1 citation shall be served upon the public water system personally or by certified mail.
2 Service shall be deemed effective as of the date of personal service or the date of
3 receipt of the certified mail. If a person to whom a citation is directed refuses to accept
4 delivery of the certified mail, the date of service shall be deemed to be the date of
5 mailing.

6
7 (b) Each citation shall be in writing and shall describe the nature of the
8 violation or violations, including a reference to the statutory provision, standard, order,
9 citation, permit, or regulation alleged to have been violated.

10
11 (c) A citation may specify a date for elimination or correction of the
12 condition constituting the violation.

13
14 (d) A citation may include the assessment of a penalty as specified in
15 subdivision (e).

16
17 (e) The department may assess a penalty in an amount not to exceed
18 one thousand dollars (\$1,000) per day for each day that a violation occurred, and for
19 each day that a violation continues to occur. A separate penalty may be assessed for
20 each violation.

21
22 **Section 7583(e), Cross Connection, Title 17, of the CCR states:**

23 "Cross-Connection" is an unprotected actual or potential connection between a
24 potable water system used to supply water for drinking purposes and any source or
25 system containing unapproved water or a substance that is not or cannot be approved
26 as safe, wholesome, and potable. By-pass arrangements, jumper connections,
27 removable sections, swivel or changeover devices, or other devices through which
28 backflow could occur, shall be considered to be cross-connections.

1 **Section 7584, Responsibility and Scope of Program, Title 17, of the CCR states**
2 **in relevant part:**

3 The water supplier shall protect the public water supply from contamination by
4 implementation of a cross-connection control program. The program, or any portion
5 thereof, may be implemented directly by the water supplier or by means of a contract
6 with the local health agency, or with another agency approved by the health agency.
7 The water supplier's cross-connection control program shall include, but not be limited
8 to, the following elements:

- 9
- 10 (a) The adoption of operating rules or ordinances to implement the cross-
11 connection program.
- 12
- 13 (b) The conducting of surveys to identify water user premises where cross-
14 connections are likely to occur,
- 15
- 16 (c) The provisions of backflow protection by the water user at the user's
17 connection or within the user's premises or both,
- 18
- 19 (d) The provision of at least one person trained in cross-connection control to carry
20 out the cross-connection program,
- 21
- 22 (e) The establishment of a procedure or system for testing backflow preventers,
23 and
- 24
- 25 (f) The maintenance of records of locations, tests, and repairs of backflow
26 preventers.
- 27

28 **Section 63750.25, Chief Operator, Title 22, of the CCR states:**

29 "Chief operator" means the person who has overall responsibility for the day-to-day,
30 hands-on, operation of a water treatment facility or the person who has overall
31 responsibility for the day-to-day, hands-on, operation of a distribution system.

Section 63750.70, Shift Operator, Title 22, of the CCR states:

“Shift operator” means a person in direct charge of the operation of a water treatment facility or distribution system for a specified period of the day.

Section 63770, Distribution System Staff Certification Requirements, Title 22, of the CCR states in relevant part:

- (a) Chief and shift operators shall possess valid operator certificates pursuant to Table 63770-A.

Table 63770-A
Minimum Certification Requirements for Chief and Shift Operators

<i>Distribution System Classification</i>	<i>Minimum Certification of Chief Operator</i>	<i>Minimum Certification of Shift Operator</i>
D1	D1	D1
D2	D2	D1
D3	D3	D2
D4	D4	D3
D5	D5	D3

- (b) Water systems shall utilize only certified distribution operators to make decisions addressing the following operational activities:

- (1) Install, tap, re-line, disinfect, test and connect water mains and appurtenances.
- (2) Shutdown, repair, disinfect and test broken water mains.
- (3) Oversee the flushing, cleaning, and pigging of existing water mains.
- (4) Stand-by emergency response duties for after hours distribution system operational emergencies.

(d) Water systems shall utilize either certified distribution operators or treatment operators to make decisions addressing the following operational activities:

(2) Investigate water quality problems in the distribution system.

Section 64413.3, Classification of Distribution Systems, Title 22, of the CCR states in relevant part:

(a) The distribution system for each community and nontransient- noncommunity water system shall be classified pursuant to Table 64413.3-A.

Table 64413.3-A.

Distribution System Classifications

<i>Population Served</i>	<i>Class</i>
1,000 or less	D1
1,001 through 10,000	D2
10,001 through 50,000	D3
50,001 through 5 million	D4
Greater than 5 million	D5

Condition 3 of the District's December 14, 2007, Permit No. 01-02-07-PER-004, states:

The District shall comply with Title 17 of the CCR to prevent the water system and treatment facilities from being contaminated from possible cross-connections. The District shall maintain a program for the protection of the domestic water system against backflow from premises having dual or unsafe water systems in accordance with Title 17. All backflow prevention devices shall be tested annually.

Condition 7 of the District's December 14, 2007, Permit No. 01-02-07-PER-004, states:

The District shall submit the certificates of the certified distribution operator staff as well as a description of the relevant training and experience of persons responsible for operating the water system by June 1, 2008.

1
2 **Directive 1 of the District's August 30, 2013, Compliance Order No. 01-02-13R-**
3 **002-1805009-12 states:**

4 The District shall submit to the Department its plan and schedule to obtain the
5 services of, at the minimum, a D-1 certified operator-of-record responsible for
6 operating the water system by November 1, 2013. The District shall obtain the
7 services of, at the minimum, a D-1 certified operator-of-record by February 1, 2014.

8
9 **Directive 2 of the District's August 30, 2013, Compliance Order No. 01-02-13R-**
10 **002-1805009-12 states:**

11 The District shall submit to the Department its plan and schedule to implement a cross
12 connection control program by November 1, 2013. The District shall implement its
13 cross connection control program by February 1, 2014.

